

Appl. No.: 10/715,790
Amendment dated November 23, 2005
Reply to Office Action of August 23, 2005
Page 11 of 19

REMARKS/ARGUMENTS

In view of the following remarks, reexamination and reconsideration of this application, withdrawal of the rejections, and formal notification of the allowability of all claims as presented are earnestly solicited. Claims 1-56 are pending. In response to the Office Action, independent Claims 1, 21, and 41 have been amended. The amendments to the claims find support throughout the Specification and the Drawings, and no new matter has been added. Accordingly, it is believed that the pending claims now further define patentable subject matter over the references cited by the Examiner and notice to such effect is requested at the Examiner's earliest convenience.

Claim Objections

Examiner has objected to Claims 29 and 49 for formatting informalities. In response Claims 29 and 49 have been amended in accordance with Examiner's suggestions, thereby overcoming the objection.

Claim Rejections – 35 U.S.C. §112

Examiner has objected to Claims 12, 32, and 52 under 35 U.S.C. §112, second paragraph, as being incomplete for omitting essential elements. Examiner has stated that: "Claims 12, 32, and 52 recite the limitation "a third color", however there is no mention of a first or second color in any of the dependent claims. Claims 12, 32 and 52 have now been amended to recite a "predefined color". Thus, Applicants respectfully submit that pending Claims 12, 32, and 52, as amended, do not omit essential elements such that the claim rejections under 35 U.S.C. §112 are overcome.

Claim Rejections – 35 U.S.C. §102

Examiner has rejected Claims 1, 6, 7, 21, 26, 27, 41, 46, and 47 under 35 U.S.C. §102(c) as being anticipated by U.S. Patent Application No. 2003/0169460 to Liao *et. al.* ("Liao"). In response, independent Claims 1, 21, and 41 have been amended to recite the recitations of Claims 2, 22, and 42, depending respectively therefrom, to more clearly indicate patentable aspects of the present invention. As a result of the amendments to the independent claims,

RTA01/2188173v1

Appl. No.: 10/715,790
Amendment dated November 23, 2005
Reply to Office Action of August 23, 2005
Page 12 of 19

Claims 2, 4, 13-16, 22, 24, 33-36, 42, 44, and 53-56 have been cancelled and Claims 8, 28, 43, 48, 50, and 52 have been correspondingly amended to be consistent with the amended independent claims. The new recitations of claims 1, 21, and 41 were previously recited, for example, in Claims 2, 22, and 42 and find support throughout the as-filed specification such as, for example, at page 21, lines 11-16. Accordingly, no new matter has been added.

More particularly, Claim 1 has been amended to recite "a display capable of visually representing an available bandwidth of a current communications system and a required bandwidth for transmitting and receiving signals on the current communications system." Furthermore, Claim 1 has also been amended to recite a controller capable of determining the available bandwidth of the current communications system, determining the required bandwidth for transmitting and receiving signals on the current communications system prior to modifying communications therewith, and altering the appearance of the display based on a determination of the available bandwidth and the required bandwidth." Claims 21 and 41 have also been amended in a similar manner to include the recitations of Claims 22 and 42, respectively.

Thus, Claims 1, 21, and 41 now recite a system, method, and computer program product, respectively, capable of visually representing the required bandwidth for transmitting and receiving signals on the current communications system in addition to the available bandwidth of the current communications system. Therefore, Claims 1, 21, and 41 now more particularly recite that embodiments of the present invention are capable of determining and displaying a bandwidth that is required to transmit signals via the current communications system relative to the bandwidth that is currently available via the current communications system.

In contrast, and as stated by the Examiner, "Liao does not specifically disclose wherein the display is further capable of visually representing the required bandwidth for transmitting and receiving signals on the current communications system." (Emphasis added). The Applicants respectfully submit that for a rejection to be proper under 35 U.S.C. §102(e), the cited reference must "teach every element of the [rejected] claim." See MPEP §2131. In contrast, and as outlined below, Liao teaches away from displaying the bandwidth required to transmit and receive to and from a communication system. Liao generally discloses an application monitor (114) that interacts with a connection manager module (110) and tracks the

Appl. No.: 10/715,790
Amendment dated November 23, 2005
Reply to Office Action of August 23, 2005
Page 13 of 19

bandwidth usage of currently active applications. Thus, the system disclosed by Liao would be incapable of allowing a user to directly compare the available bandwidth to a required bandwidth via a display prior to modifying communications via the current communications system, as the application monitor taught by Liao is only capable of monitoring currently active applications. The system disclosed in Liao therefore does not teach or suggest the determination and display of a bandwidth that may be required to communicate via a particular communications system, as recited in amended Claims 1, 21, and 41.

Thus, for at least the reasons stated above, Applicants respectfully submit that amended Claims 1, 21, and 41 are patentably distinct from Liao. In addition, the pending Claims 6, 7, 26, 27, 46, and 47, depend from amended Claims 1, 21, and 41 and are patentably distinct from Liao for at least the same reasons stated above.

Claim Rejections – 35 U.S.C. §103

Claims 2, 8, 9, 22, 28, 29, 42, 48, and 49

Examiner has rejected Claims 2, 8, 9, 22, 28, 29, 42, 48, and 49 under 35 U.S.C. §103(a) as being obvious over Liao. The Applicants respectfully submit that Liao does not teach or suggest the recitations of Claims 2, 22, and 42 (which have been added to amended Claims 1, 21, and 41, respectively, as described above).

In contrast, and as described generally above, Liao teaches away from displaying the bandwidth required to transmit and receive to and from a communication system. Liao discloses an application monitor (114) that interacts with a connection manager module (110) and tracks the bandwidth usage of currently active applications. Liao in Figure 3, shows that the connection manager (110) is in direct communication with the user interface (112), while the application monitor (114) (which tracks the bandwidth usage of currently active applications), is only in indirect communication with the user interface (via the connection manager (110), for example). Thus, the embodiment of Liao pictured in Figure 3 would be ill-suited to directly displaying both the available bandwidth and the required bandwidth for communicating via the current communications system, as recited by amended Claims 1, 21, and 41 (which now include the recitations of rejected claims 2, 22, and 42, respectively).

Appl. No.: 10/715,790
Amendment dated November 23, 2005
Reply to Office Action of August 23, 2005
Page 14 of 19

Furthermore, while the application monitor (114) is recited in Liao as being capable of "track[ing] the bandwidth usage of currently active applications," the application monitor of Liao **is not disclosed as being capable of determining the bandwidth that might be required for transmitting and receiving signals on the current communications system prior to modifying communications therewith**, as recited in amended Claims 1, 21, and 41, (which include the recitations of rejected claims 2, 22, and 42, respectively). Thus, the system disclosed by Liao would be incapable of allowing a user to directly compare the available bandwidth to a required bandwidth via a display **prior to modifying communications** via the current communications system, as the application monitor taught by Liao is disclosed as monitoring currently active applications.

Thus, for at least the reasons stated above, Applicants respectfully submit that the recitations of Claims 2, 22, and 42 (which are now recited as part of amended Claims 1, 21, and 41, respectively) are patentably distinct from Liao. In addition, the pending claims 8, 9, 28, 29, 48, and 49, **depend from** amended Claims 1, 21, and 41 and are patentably distinct from Liao for at least the same reasons stated above.

Claims 3, 4, 11, 13, 14, 23, 24, 31, 33, 34, 43, 44, 51, 53, and 54

Examiner has rejected Claims 3, 4, 11, 13, 14, 23, 24, 31, 33, 34, 43, 44, 51, 53, and 54 under 35 U.S.C. §103(a) as being obvious over Liao in view of U.S. Patent Application No. 2004/0048624 to Ko ("Ko"). The Applicants respectfully submit that Claims 3, 4, 11, 13, 14, 23, 24, 31, 33, 34, 43, 44, 51, 53, and 54, all of which depend from at least one of amended Claims 1, 21, and 41, are patentable for at least the reasons stated above with respect to Claims 1, 21, and 41. In this regard, Ko also fails to teach or suggest the determination and display of the required bandwidth for transmitting and receiving signals on the current communications system prior to modifying communications therewith as recited by amended independent Claims 1, 21 and 41 such that any combination of Liao and Ko likewise fails to teach or suggest amended independent Claims 1, 21 and 41, as well as the claims that depend therefrom.

Appl. No.: 10/715,790
Amendment dated November 23, 2005
Reply to Office Action of August 23, 2005
Page 15 of 19

Claims 5, 25, and 45

Examiner has rejected Claims 5, 25, and 45 under 35 U.S.C. §103(a) as being obvious over Liao in view of U.S. Patent No. 6,501,770 to Arsenault *et. al.* ("Arsenault"). The Applicants respectfully submit that Claims 5, 25, and 45, which depend from amended Claims 1, 21, and 41, respectively, are patentable for at least the reasons stated above with respect to Claims 1, 21, and 41. In this regard, Arsenault also fails to teach or suggest the determination and display of the required bandwidth for transmitting and receiving signals on the current communications system prior to modifying communications therewith as recited by amended independent Claims 1, 21 and 41 such that any combination of Liao and Arsenault likewise fails to teach or suggest amended independent Claims 1, 21 and 41, as well as the claims that depend therefrom.

Claims 10, 30, and 50

Examiner has rejected Claims 10, 30, and 50 under 35 U.S.C. §103(a) as being obvious over Liao in view of U.S. Patent Application No. 2004/0071081 to Rosenfled ("Rosenfled"). The Applicants respectfully submit that Claims 10, 30, and 50, which depend from amended Claims 1, 21, and 41, respectively, are patentable for at least the reasons stated above with respect to Claims 1, 21, and 41. In this regard, Rosenfled also fails to teach or suggest the determination and display of the required bandwidth for transmitting and receiving signals on the current communications system prior to modifying communications therewith as recited by amended independent Claims 1, 21 and 41 such that any combination of Liao and Rosenfled likewise fails to teach or suggest amended independent Claims 1, 21 and 41, as well as the claims that depend therefrom.

Claims 15, 35, and 55

Examiner has rejected Claims 15, 35, and 55 under 35 U.S.C. §103(a) as being obvious over Liao in view of Ko and further in view of Rosenfled. The Applicants respectfully submit that Claims 15, 35, and 55, which depend from amended Claims 1, 21, and 41, respectively, are patentable for at least the reasons stated above with respect to Claims 1, 21, and 41. In this regard, neither Ko nor Rosenfled teaches or suggests the determination and display of the required bandwidth for transmitting and receiving signals on the current communications system

RTA01/2188173v1

Appl. No.: 10/715,790
Amendment dated November 23, 2005
Reply to Office Action of August 23, 2005
Page 16 of 19

prior to modifying communications therewith as recited by amended independent Claims 1, 21 and 41 such that any combination of Liao, Ko and Rosenfeld likewise fails to teach or suggest amended independent Claims 1, 21 and 41, as well as the claims that depend therefrom.

Claims 12, 32, and 52

Examiner has rejected Claims 12, 32, and 52 under 35 U.S.C. §103(a) as being obvious over Liao in view of Ko and further in view of U.S. Patent No. 5,630,159 to Zanchi ("Zanchi"). The Applicants respectfully submit that Claims 12, 32, and 52, which depend from amended Claims 1, 21, and 41, respectively, are patentable for at least the reasons stated above with respect to Claims 1, 21, and 41. In this regard, Zanchi also fails to teach or suggest the determination and display of the required bandwidth for transmitting and receiving signals on the current communications system prior to modifying communications therewith as recited by amended independent Claims 1, 21 and 41 such that any combination of Liao, Ko and Zanchi likewise fails to teach or suggest amended independent Claims 1, 21 and 41, as well as the claims that depend therefrom.

Claims 16, 36, and 56

Examiner has rejected Claims 16, 36, and 56 under 35 U.S.C. §103(a) as being obvious over Liao in view of Ko and further in view of Rosenfeld and further in view of Zanchi. The Applicants respectfully submit that Claims 16, 36, and 56, which depend from amended Claims 1, 21, and 41, respectively, are patentable for at least the reasons stated above with respect to Claims 1, 21, and 41. In this regard, none of Ko, Rosenfeld and Zanchi teaches or suggests the determination and display of the required bandwidth for transmitting and receiving signals on the current communications system prior to modifying communications therewith as recited by amended independent Claims 1, 21 and 41 such that any combination of Liao, Ko, Rosenfeld and Zanchi likewise fails to teach or suggest amended independent Claims 1, 21 and 41, as well as the claims that depend therefrom.

Appl. No.: 10/715,790
Amendment dated November 23, 2005
Reply to Office Action of August 23, 2005
Page 17 of 19

Claims 17, 18, 37, and 38

Examiner has rejected Claims 17, 18, 37, and 38 under 35 U.S.C. §103(a) as being obvious over Liao in view of U.S. Patent No. 6,233,469 to Watanabe ("Watanabe"). The Applicants respectfully submit that neither Liao or Watanabe, alone or in combination, teach or suggest the recitations of Claim 17 (or the corresponding recitations of the method of independent Claim 37) including: (1) a first terminal for transmitting and receiving signals via a communications system; (2) a controller capable of determining the available bandwidth of the communications system; and (3) a second terminal, responsive to the controller, comprising a display for visually representing the available bandwidth.

First of all, the Examiner states that "Liao does not disclose wherein the display is a separate terminal..." and that "Watanabe discloses wherein the display is a separate terminal (4-Figure 5, column 5: line 44-column 6: line 5; column 10: lines 12-24)." The Examiner further states that "it would have been obvious to a person of ordinary skill in the art to modify Liao to include a separate display responsive to a first terminal."

The Applicants note that the Federal Circuit has consistently stated that a finding of obviousness requires a specific teaching, motivation, or suggestion to combine the teachings of individual items of prior art. See, e.g., *In re Sang Su Lee*, No. 00-1158 (Fed. Cir. January 18, 2002) (factual question of motivation to combine is material to patentability and could not be resolved on subjective belief and unknown authority); *C.R. Bard, Inc. v. M3 Systems, Inc.*, 157 F.3d 1340, 1352 (Fed. Cir. 1998) (a showing of a suggestion, teaching, or motivation to combine is an essential evidentiary component of an obviousness holding); *In re Fritch*, 972 F.2d 1260, 1265 (Fed. Cir. 1992) (Examiner can satisfy burden of obviousness in light of combination only by showing some objective teaching leading to the combination); and *In re Fine*, 837 F.2d 1071, 1075 (Fed. Cir. 1988) (evidence of teaching or suggestion essential to avoid hindsight).

In contrast, neither Liao nor Watanabe, nor the general knowledge of a person skilled in the art, includes a specific teaching, motivation, or suggestion to combine the teachings of individual items of prior art, as is required for an obviousness rejection under §103. Furthermore, even if the teachings of Liao and Watanabe were properly combined, the combination would still fail to disclose all of the recitations of independent Claims 17 and

Appl. No.: 10/715,790
Amendment dated November 23, 2005
Reply to Office Action of August 23, 2005
Page 18 of 19

37, as Watanabe does not disclose the provision of a second terminal, responsive to the controller, comprising a display for visually representing the available bandwidth. In contrast, Watanabe discloses a single terminal that includes a main body unit (1) with a slidable display (4), as well as the receiver unit (3) and transmitter unit (6).

Thus, for at least the reasons stated above, Applicants respectfully submit that neither Ko nor Watanabe, alone or in combination, teach or suggest the recitations of pending independent Claims 17 and 37. In addition, the pending Claims 18 and 38, depending from Claims 17 and 37, are patentably distinct from Liao in view of Watanabe for at least the same reasons stated above.

Claims 19 and 39

Examiner has rejected Claims 19 and 39 under 35 U.S.C. §103(a) as being obvious over Liao in view of Ko and further in view of Watanabe. The Applicants respectfully submit that Claims 19 and 39, which depend from Claims 17 and 37, respectively, are patentable for at least the reasons stated above with respect to Claims 17 and 37. In this regard, Ko also fails to teach or suggest the provision of a second terminal, responsive to the controller, comprising a display for visually representing the available bandwidth as recited by independent Claims 17 and 37 such that any combination of Liao, Ko and Watanabe likewise fails to teach or suggest independent Claims 17 and 37, as well as the claims that depend therefrom.

Claims 20 and 40

Examiner has rejected Claims 20 and 40 under 35 U.S.C. §103(a) as being obvious over Liao in view of Arsenaault and further in view of Watanabe. The Applicants respectfully submit that Claims 20 and 40, which depend from Claims 17 and 37, respectively, are patentable for at least the reasons stated above with respect to Claims 17 and 37. In this regard, Arsenaault also fails to teach or suggest the provision of a second terminal, responsive to the controller, comprising a display for visually representing the available bandwidth as recited by independent Claims 17 and 37 such that any combination of Liao, Arsenaault and Watanabe likewise fails to teach or suggest independent Claims 17 and 37, as well as the claims that depend therefrom.

Appl. No.: 10/715,790
Amendment dated November 23, 2005
Reply to Office Action of August 23, 2005
Page 19 of 19

CONCLUSION

In conclusion, Liao, Watanabe, Ko, Rosenfield, Arsenault, and Zanchi, alone or in combination, do not teach, suggest, or provide motivation for the embodiments of the present invention, as now claimed in Claims 1, 17, 21, 37, and 41, and the claims depending therefrom. Accordingly, in view of the above differences between the Applicants' invention and the cited reference, the Applicant submits that the present invention, as defined by the pending claims, is patentable over the references cited in the Office Action. As such, for the reasons set forth above, the pending claims are believed to be in condition for immediate allowance and notice to such effect is respectfully requested at the Examiner's earliest opportunity.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR §1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

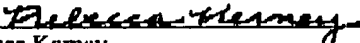
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CERTIFICATION OF FACSIMILE TRANSMISSION

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Rebecca Kerney

11/23/05
Date